

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action dated June 27, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 are pending in the Application. Claims 7-15 are added by this amendment. By means of the present amendment, claims 1-6 are amended including for better conformance to U.S. practice, such as amending dependent claims to begin with "The" as opposed to "A" and changing spelling from British to American spelling. By these amendments, claims 1-6 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, claims 5 and 6 are objected to for having apparatus claims that depend from a method claim. With the amendment to claims 5 and 6 indicated above to place the claims in proper U.S. form, it is respectfully submitted that this objection to claims 5 and 6 is obviated. Accordingly, withdrawal of this objection to claims 5 and 6 is respectfully requested.

Claims 5 and 6 are objected to for being in improper multiply dependent form. It is respectfully submitted that the form of claims 5 and 6, and claims 3 and 4 for that matter was modified by a preliminary amendment to the claims that was provided at the time of filing of the present application. The above listing of claims reflects the prior amendments to the claims. As

clear from the listing, none of the provided claims are provided in multiply dependent form. Accordingly, withdrawal of this objection to claims 5 and 6 is respectfully requested.

In the Office Action, claims 1-6 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by a publication entitled "Parametric Coding for high-quality Audio" Convention paper 5554, presented at the 112th convention of the Audio Engineering Society, may 1-1 3, 2002, pages 1-10) by den Brinker ("den Brinker"). This rejection of claims 1-6 is respectfully traversed. It is respectfully submitted that claims 1-15 are allowable over den Brinker for at least the following reasons.

Den Brinker shows a system of parametric encoding and decoding wherein overlapping Hanning windows of sinusoids are modified when transients are detected in the sinusoids. Specifically, the Hanning windows are modified based on wherein the transients occur within the window irrespective of the frequency of the sinusoids. (See, den Brinker, page 6, in the 6<sup>th</sup> and 7<sup>th</sup> full paragraphs.) In effect, the unmodified windows are split into half and if the transient occurs in the first half of the Hanning window, the window is modified in a way that is different than if the transient occurs in the second half of the Hanning window.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of den Brinker. For example, den Brinker does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "where segments in which the time of occurrence of a transient is identified, are weighted with a first modified window (W1m) having a modified trailing edge, and the following segment is weighted with a second modified window (W2m) having a modified leading edge, so that the modified trailing edge and the modified leading edge have a modified period of overlap (Om), which comprises the time of the

occurrence of the transient, and which is shorter than the normal period of overlap (O), wherein the modified period of overlap (Om) depends on the frequency value (f)" as recited in claim 1, and as similarly recited in each of claims 5 and 6. Den Brinker shows modifying the Hanning window based on wherein the Hanning window the transient occurs and not based on the frequency of the transients.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 5 and 6 are patentable over den Brinker and notice to this effect is earnestly solicited. Claims 2-4 and 7-15 respectively depend from one of claims 1, 5, and 6 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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Amendment in Reply to Office Action of June 27, 2008

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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